

NAVFAC ATLANTIC COMPLETION REPORT
NIGHTS 201501673
9 Dec 2015

1. Investigators Identifying Information and Location of Working Papers

a. Investigators Identifying Information.

(b) (6) Command Inspector General (CIG), Naval Facilities Engineering Command (NAVFAC), Atlantic, Tel: (b) (6)

(b) (6) Naval Facilities Engineering Command Inspector General,
Tel: (b) (6)

b. Location of working papers. Naval Inspector General Hotline Tracking System (NIGHTS) 201501673.

2. Background and Summary

a. Hotline Control 201501673 and Origin of Complaint. Department of Defense Inspector General (DoDIG) received an anonymous complaint on 2 Jun 2015 DoDIG Hotline Case Number 20150602-031545-CASE-01. Naval Inspector General (NAVINSGEN) received the case as Priority 3 Information Referral on 3 Jun 2015. NAVINSGEN forwarded NIGHTS case number 201501673 to NAVFACENGCOM IG on 3 Jun 2015, NAVFAC Atlantic received this case on 17 Jun 2015. NAVFAC Atlantic requested to conduct a full investigation on 18 Aug 2015, and received approval on 27 Aug 2015.

b. Summary of Complaint. The anonymous complainant alleged that (b) (6) Commanding Officer (CO) of NAVFAC Mid-Atlantic abused his position by ordering his subordinates to hire (b) (6) retired Colonel, US Air Force Officer for the Deputy Public Works Officer (DPWO) position at Public Works Department (PWD) Yorktown. The anonymous complainant also stated that the CO of NAVFAC Mid-Atlantic misused his position by directing his employees to coach, review the resume, and conduct mock interviews for his personal friend (b) (6).

c. Additional Information. An additional allegation was presented in the anonymous complaint received by DoDIG Hotline Case Number 20150602-031545-CASE-01 that (b) (6) was not in an employable status when he was hired as the DPWO of Yorktown, this allegation was not investigated as (b) (6) retirement date was 31 August 2014 and his onboard date for the position of DPWO of Yorktown was 22 September 2014. The position was open to eligible "Current, Permanent Federal Employees; Former Federal Employees with Reinstatement Eligibility; Veterans Employment Opportunities Act (VEOA); and ICTAP Applicants" (b) (6) was

(b) (6)

VEOA eligible and therefore able to apply for the Deputy Public Works Position, Yorktown.

d. Summary of outcome of investigation.

Due to the preponderance of evidence both investigated allegations are **Not Substantiated**.

e. List of allegations

(1) That (b) (6) Commanding Officer of NAVFAC Mid-Atlantic, in 2014, abused his position by ordering his subordinates to hire (b) (6) retired Colonel US Air Force, for the DPWO position at Yorktown in violation of Title 5 US Code 2302(b)6.

(2) That (b) (6) Commanding Officer of NAVFAC Mid-Atlantic, in 2014 misused his position by directing his employees to coach and review the resume of (b) (6) retired Colonel US Air Force, for the DPWO position at Yorktown in violation of 5 USC section 2302(b)6.

3. First allegation. That (b) (6) Commanding Officer of NAVFAC Mid-Atlantic, in 2014, abused his position by ordering his subordinates to hire (b) (6) retired Colonel US Air Force, for the DPWO position at Yorktown in violation of Title 5 US Code 2302(b)6. **Not Substantiated.**

a. Facts.

5 USC Sec 2302(b)(6)

(b) Any employee who has the authority to take, direct others to take, recommend, or approve any personnel action shall not, with respect to such authority – (6) grant any preference or advantage not authorized by law, rule, or regulation to any employee or applicant for employment (including defining the scope or manner of competition or the requirements for any position) for the purpose of improving or injuring the prospects of any particular person for employment;

(1) A Standard Form (SF) 52 Request for Personnel Action was processed for a Recruit/Fill for position BIN: 3562284 on 6 May 2015.

(2) The USAjobs.gov announcement was released on 28 May 2014. The application period to apply for the position Deputy Public Works Office3r, Yorktown was from 28 May 2014 to 10 June 2014.

(3) The board members were (b) (6), NAVFAC Mid-Atlantic Asset Management Business Line Coordinator, (b) (6), NAVFAC Mid-Atlantic PWO Yorktown, and head of the panel was (b) (6), NAVFAC Mid-

Atlantic Deputy Business Director. The Equal Employment Opportunity (EEO) representative was (b) (6), Financial Management Analyst. The selecting official was (b) (6), Deputy Fleet Civil Engineer NAVFAC Atlantic.

(4) An email from (b) (6), Human Resource Specialist, to (b) (6) OCHR-Stennis S43, on 12 June 2014 with a list of potential candidates for the position. The names on this inquiry were (b) (6) (b) (6) was not one of the names on the list of possible candidates. This email was not the official certification from OCHR.

(5) A OCHR certification was received on 13 June 2014 for Vacancy ID 1128505, 0801/0804/0808/0810/0819/0830/0850, Supervisory interdisciplinary Engineer/Architect. (b) (6) was included on the list of eligible candidates. The resumes were reviewed around July 2014. The interviews for the position occurred around July 2014.

(6) (b) (6), Commanding Officer of NAVFAC Mid-Atlantic, took command on 11 July 2014. (b) (6) previous job was as the N4 for Navy Installations Command in Washington, DC for which he had no relationship or authority to NAVFAC Mid-Atlantic.

(7) (b) (6) selected (b) (6) for the DPWO position. On 27 July 2014 (b) (6) used the Application Manager to complete the selection.

(a) All panel members agreed that their recommendation for selection for the Deputy Public Works Officer, Yorktown was (b) (6).

(b) Both (b) (6) and (b) (6) stated that (b) (6) briefed (b) (6) verbally and he agreed with the recommendation to select (b) (6).

(c) (b) (6) and (b) (6) stated (b) (6) was the Selecting Official in the Selection Manager; however (b) (6) was unable to use the system. Both think (b) (6) was probably out of the office at the time.

(8) All witnesses interviewed, including all members of the selection panel stated that there was no deviation from the NAVFAC Mid-Atlantic hiring process.

(9) All witnesses, including all members of the selection panel, stated there was no outside influence from their Chain of Command on who should be hired for the Deputy Public Works Officer, Yorktown position.

(10) All witnesses stated they did not know of any relationship between (b) (6) and (b) (6). Only two witnesses stated they were familiar with (b) (6) name but did not know him personally.

(11) Both (b) (6) and (b) (6) stated they did not have a relationship prior to (b) (6) being offered and accepting the position at NAVFAC Mid-Atlantic for the DPWO at Yorktown position.

(12) (b) (6) stated he had casually known of (b) (6) previous to him accepting the position of DPWO at Yorktown through the Society of American Military Engineers (SAME) conference. (b) (6) would not consider (b) (6) a friend previous to his accepting the DPWO at Yorktown position, (b) (6) had never been to (b) (6) house or had any personal relationship with him.

(13) All other panel members stated they did not know (b) (6) personally, they were aware of him due to the small Engineering community within the Hampton Roads area.

(14) All panel members stated that (b) (6) told them he researched the position by reading the "Public Works Department Management Guide NAVFAC Publication P-1205". (b) (6) stated he researched the DPWO Yorktown position by searching the internet for any information, which included the P-1205.

(15) The CIG searched the public internet and was able to find the P-1205 instruction in the first two links provided by the search engine.

(16) (b) (6) and (b) (6) found the grading criteria for the DPWO Yorktown position to be complete and were followed meticulously.

(17) Evaluation of the selection criteria and hiring matrix confirmed that (b) (6) was the number one choice in interview, and had the highest cumulative score of resume and interview.

(18) (b) (6) and (b) (6) stated that (b) (6) was an active member in the discussion and often redirected the deliberation when discussing candidates.

(19) There is no evidence of (b) (6) and (b) (6) had any contact previous to (b) (6) acceptance of the DPWO Yorktown position.

b. Analysis/Discussion/Conclusion.

(1) Policy and procedures were followed for the hiring of the Deputy Public Works Officer, Yorktown.

(2) (b) (6) was not in command during the majority of the hiring process for the DPWO at Yorktown position. He took command on 11 July after resumes had been reviewed. Even though the selection of the DPWO at Yorktown position was made two weeks later, there is no evidence that (b) (6) ordered his subordinates to hire (b) (6) or even influenced their decision.

(3) There is no evidence or inference that (b) (6) was either directly or indirectly involved in the hiring or selection process for the hiring of the Deputy Public Works Officer at Yorktown.

(4) There is no evidence or inference that (b) (6) had ever met (b) (6) prior to Sep 2014 and therefore it is unlikely that CAPT Rios would attempt to influence a hiring decision for someone he didn't know.

(5) This investigation identified no reason that all the witnesses and hiring board members would make false statements against (b) (6). None of the witnesses evidenced bias or made any inconsistent statement that materially undermine their testimony.

(6) Since there is no evidence that suggest (b) (6) influenced or directed the panel members to select or give unfair advantage to (b) (6), this allegation is **Not Substantiated**.

c. Recommendation. Accept the report and forward to NAVINSGEN for final review and closure.

d. Disposition. None.

4. Second allegation. That (b) (6), Commanding Officer of NAVFAC Mid-Atlantic, in 2014 misused his position by directing his employees to coach and review the resume of (b) (6) retired Colonel US Air Force, for the DPWO position at Yorktown in violation of 5 USC section 2302(b)6. **Not Substantiated**.

a. Facts.

5 USC Sec 2302(b)(6)

(b) Any employee who has the authority to take, direct others to take, recommend, or approve any personnel action shall not, with respect to such authority – (6) grant any preference or advantage not authorized by law, rule, or regulation to any employee or applicant for employment (including defining the scope or manner of competition or the requirements for any position) for the purpose of improving or injuring the prospects of any particular person for employment;

(1) As noted in the facts above, NAVFAC Mid-Atlantic initiated a personnel action to fill the position for which (b) (6) was ultimately hired. NAVFAC Mid-Atlantic assembled a hiring panel of its employees to evaluate the applications, and named a selecting official who is a member of the staff of NAVFAC Mid-Atlantic's immediate superior in command, NAVFAC Atlantic. All these actions happened prior to (b) (6) assuming command of NAVFAC Mid-Atlantic on 11 July 2014.

(2) Both (b) (6) and (b) (6) stated they did not have a relationship prior to (b) (6) being offered and accepting the position at NAVFAC Mid-Atlantic for the DPWO at Yorktown.

(3) All witnesses on the panel stated there was only one round of interviews, and that no mock interviews were conducted for any candidate.

(4) All witnesses stated they did not know of any relationship between (b) (6) and (b) (6). Only two witnesses stated they were familiar with (b) (6) name but did not know him personally.

(5) (b) (6) stated he had casually known of (b) (6) previous to him accepting the position of DPWO at Yorktown through the SAME conference. (b) (6) would not consider (b) (6) a friend previous to his accepting the DPWO at Yorktown position, (b) (6) had never been to (b) (6) house or had any personal relationship with him.

(6) All other panel members stated they did not know (b) (6) personally, they were aware of him due to the small Engineering community within the Hampton Roads area.

(7) All panel members stated that (b) (6) researched the position by reading the "Public Works Department Management Guide NAVFAC Publication P-1205". (b) (6) stated he researched the DPWO at Yorktown position by searching the internet for any information, which was the P-1205.

(8) There is no evidence of (b) (6) and (b) (6) had any contact previous to (b) (6) acceptance of the DPWO Yorktown position.

b. Analysis/Discussion/Conclusion.

(1) Policy and procedures were followed for the hiring of the DPWO at Yorktown.

(2) (b) (6) was not in command during the majority of the hiring process for the Yorktown Deputy Public Works Officer. He took command on 11 July after resumes had been reviewed. Even though the selection for the DPWO position was made two weeks later, there is no evidence that (b) (6) directed his employees to

coach and review the resume of (b) (6) for the hiring of the DPWO at Yorktown.

(3) There is no evidence or inference that (b) (6) had ever met (b) (6) prior to September 2014 and therefore it is unlikely that (b) (6) would attempt to influence a hiring decision for someone he did not know.

(4) This investigation identified no reason that all the witnesses and hiring board members would make false statements against (b) (6). None of the witnesses evidenced bias or made any inconsistent statement that would materially undermine their testimony.

(5) Since there is no evidence that suggest (b) (6) directed his employees to coach and review the resume of (b) (6) giving an unfair advantage to (b) (6), this allegation is **Not Substantiated**.

c. Recommendation. Accept the report and forward to NAVINSGEN for final review and closure.

d. Disposition. None.

5. Interviews and Documents

a. Interviews conducted. (All interviews were conducted in person unless otherwise noted.)

(1) (b) (6), NAVFAC Atlantic Human Resources Specialist, GS-12, interviewed on 7 Oct 2015.

(2) (b) (6), Public Works Officer PWD Yorktown, O-4 interviewed on 13 Oct 2015

(3) (b) (6), NAVFAC Mid-Atlantic Asset Management Business Line Coordinator, GS-15, interviewed 13 Oct 2015.

(4) (b) (6), NAVFAC Atlantic Deputy Fleet Civil Engineer, O-6, interviewed on 14 Oct 2015.

(5) (b) (6), NAVFAC Mid-Atlantic Financial Management Analyst, GS-12, interviewed 15 Oct 2015.

(6) (b) (6), NAVFAC Mid-Atlantic Commanding Officer, O-6, interviewed on 19 Oct 2015.

(7) (b) (6) Deputy Public Works Officer PWD Yorktown, GS-13, interviewed via phone on 29 Oct 2015.

(8) (b) (6), Deputy Business Director at NAVFAC Mid-Atlantic, GS-14, interviewed on 3 Nov 2015.

b. Documents reviewed.

- (1) 5 USC § 2302(b)(6), Prohibited Personnel Practices
- (2) SF-52 for Recruit/Fill request number 14APRSELGNV2540085808975
- (3) Announcement for Supervisory Interdisciplinary Engineer/Architect Job Announcement Number SE408XX-13-1128505LG832550
- (4) NAVFAC, Mid-Atlantic Crediting Plan DPWO Yorktown – GS08XX–13
- (5) (b) (6) DD Form 214
- (6) SF-52 for Career-Conditional Appointment for (b) (6) position Supervisory Civil Engineer 4115A – 1369663
- (7) Email from (b) (6) to (b) (6) on 12 June 2014 Subject: RPA #834550, Supervisory Interdisciplinary Engineer/Architect, GS-08XX-13
- (8) Final Excel Spreadsheet for grading and ranking of all candidates for the Supervisory Interdisciplinary Engineer/Architect Job Announcement, DPWO Yorktown –GS08XX–13.